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04 UNITED STATES DISTRICT COURT  
05 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

06 ANTHONY E. LEWIS, )  
07 ) CASE NO. C10-1314-RSL  
Petitioner, )  
08 )  
v. ) ORDER OF TRANSFER  
09 )  
JEFF UTTECHT, )  
10 )  
Respondent. )  
11 \_\_\_\_\_ )

12 Petitioner Anthony Lewis is a state prisoner who is currently incarcerated at the Coyote  
13 Ridge Corrections Center in Connell, Washington. He has submitted to this Court for review a  
14 petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging his 2007 King County  
15 Superior Court conviction on a charge of residential burglary. (*See* Dkt. No. 1.)

16 A review of this Court's records reveals that petitioner has previously filed two other  
17 federal habeas petitions in this Court challenging the same conviction. *See Lewis v. Uttecht*,  
18 C08-1239-RSL and *Lewis v. Uttecht*, C10-1033-RSL. The first of petitioner's two petitions  
19 was dismissed with prejudice. *Lewis v. Uttecht*, C08-1239-RSL, Dkt. Nos. 12, 19, and 20.  
20 The second petition was recently transferred to the Ninth Circuit Court of Appeals as a  
21 successive petition. *Lewis v. Uttecht*, C10-1033-RSL, Dkt. No. 10.

22 As petitioner has previously filed at least two other federal habeas petitions challenging

01 the same 2007 King County conviction, the instant petition must be deemed successive. This  
02 Court is without jurisdiction to consider a successive petition until the Ninth Circuit Court of  
03 Appeals has authorized its filing. 28 U.S.C. § 2244(b)(3)(A). Accordingly, this case is  
04 hereby TRANSFERRED to the Ninth Circuit Court of Appeals pursuant to 28 U.S.C. § 1631  
05 and Ninth Circuit Rule 22-3.

06 Petitioner is advised that this transfer does not of itself constitute compliance with  
07 § 2244(b)(3) and Ninth Circuit Rule 22-3. Petitioner must still file a motion for leave to  
08 proceed in the Court of Appeals and make the showing required by § 2244(b)(2).

09 The Clerk is directed to close this case and to transfer all original documents to the  
10 Ninth Circuit Court of Appeals. The Clerk shall, however, retain a copy of the petition and of  
11 this Order in the file. The Clerk is further directed to send a copy of this Order to petitioner  
12 and to the Honorable Mary Alice Theiler.

13 DATED this 21<sup>st</sup> day of September, 2010.

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16 Robert S. Lasnik  
17 United States District Judge  
18

19 Recommended for Entry  
20 this 20th day of September, 2010.

21 s/ Mary Alice Theiler  
22 United States Magistrate Judge